

Representative Lyons and Members of the House Education Standing Committee,

Thank you for your service and thank you for the time you have taken to communicate with the MDE on various sections of HB 6004. My name is Tracy Peters and my comments reflect my dual perspective as a teacher and attorney.

I am here because I am very concerned that the US DOE held an August 30, 2012 hearing in Detroit to take testimony on Michigan's education reform policies and their disproportionate effects on communities of color. I fear that will be the collective effect of HBs 6004 and SB 1538 – education reform that will drive Michigan to be a voucher state with one separate and unequal school district that will serve only minority students in the DPS.

In that spirit, I recommend this committee take one of three actions on this legislation:

First, in light of P.A. 4's recent repeal on November 6, 2012, sections 1280c(19), 1260(4) and all existing references to an Emergency Manager should be stricken because Emergency Managers are no longer recognized as appointed officials for local units of Michigan governments. Similarly, I recommend that the powers of this bill's "Chancellor" as enumerated in section 774(1)-(4) also be removed because this new language is identical to P.A. 4's language detailing the powers of an Emergency Manager. Under HB 6004, a Chancellor possesses many of the same powers as an Emergency Manager, resulting in unchecked powers being given to an unelected official – a system of governance rejected by the Michigan electorate.

My **second** proposed action for this committee is that you **not** confirm the EAA as part of this state's system of public schools. (Section 771(1)) because HB 6004 seeks to codify two essential principles that were lacking in both the EAA's formation and its current 2012-2013 school year. These two principles are **transparency (Sections 776, 771(1)(A)(K))** and **lack of a conflict of interest for public officers and employees**.

a. **Transparency**

The EAA's formative 2011-2012 preparation year lacked this important principle because criteria for the **two most essential components of the EAA were not made known to Detroit students and their families**. Although the 15 DPS schools comprising this statewide school district may have been on the MDE's TTB (Top to Bottom), PLA (Persistently Lowest Achieving) schools, or 2011-12 Priority School List; so were schools from forty-five other school districts in Michigan. As a school district that in reality could impact any public school district in the state, the processes taken by the Governor and the DPS' EM used for selecting only DPS schools for the EAA at the exclusion of forty five other districts should have been publicized statewide.

Transparency was also lacking for the process used by the Governor and DPS' EM for determining precisely **which** buildings within the Detroit Public Schools were to be placed into the EAA. This transparency was necessary to show that no conflict of interest existed for DPS' EM in his dual role working for DPS and the EAA.

b. **No Conflicts of Interest** (Section 773(6)). DPS' EM acted in a dual role as EM and Chairman of the competing EAA school district's Executive Committee when he and the Governor determined the precise admission criteria for schools that would leave DPS to become part of the EAA. Because the EM was in a position to know pertinent

information about specific DPS buildings, he could select schools for the EAA while simultaneously serving DPS as its financial and academic leader and this may have created a conflict of interest. This action stripped both buildings and students from the Detroit Public Schools to populate a competing statewide school district. In my opinion, it appeared that DPS was harmed and the EAA (a statewide district) could benefit.

My **third** suggestion for this committee is to hold a joint hearing of the Senate and House Education Standing Committees in Detroit in lieu of your December meetings in fairness to the **only** Michigan schoolchildren and their families who have currently been affected by the EAA. As recognized by the Michigan Legislature's Citizen's Guide to State Government on pg. 63, "If the measure is controversial or additional information is needed before a decision can be reached by the members, most committees will gladly put the bill over to a future meeting or even a public hearing." Just as there are students and parents in Detroit who need to share their firsthand experiences in this statewide school district, there may be some of you sitting before me now who do not feel comfortable taking action on HB 6004 or SB 1538 without further information presented by those individuals most directly affected.

Finally, I urge this committee to follow the words of Senators Gleason and former Senator Prusi, who, under their constitutional right of protest (Art. 4, Sec. 18) protested against the adoption of the first conference reports on HB 4787 – the authorizing legislation for the EAA. "... we want to see reform on the education system here, but I believe and members of my caucus believe that there was a lot of stuff thrown into this mix that has nothing to do with Race ToThe Top and has nothing to do with actually reforming our education system. It is simply a philosophical position that the majority caucus has taken over the years and was never able to accomplish until we ginned up a crisis in education, and we ginned up a sense of urgency over federal money. We still had a lot of time to work on these reforms." (Journal of the Senate, First Conference Report, December 19, 2009).

Those protests were voiced almost two years ago. There is still time to work on the most sweeping education reform in 20 years. But together and with thoughtful dialogue with the people who make our education system great – children, their parents and the educational staffs that serve them.

Respectfully submitted by Tracy Peters on November 13, 2012 for the House Education Standing Committee.